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OCT 12 2004



2665  
F.R. Waldman 2

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Patent Application

Applicant(s): Francis R. Waldman

Case: 2

Serial No.: 09/229,704

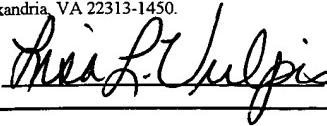
Filing Date: January 13, 1999

Group: 2665

Examiner: Thien D. Tran

Title: System and Method for Interconnecting ATM Systems  
Over an Intermediate ATM Network Using Switch  
Virtual Connections

I hereby certify that this paper is being deposited on this date with the U.S. Postal Service as first class mail addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Signature:   
Date: October 7, 2004

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Technology Center 2600

TRANSMITTAL LETTER

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

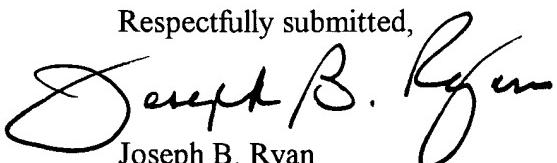
Sir:

Submitted herewith are the following documents relating to the above-identified patent application:

- (1) Response to Office Action with enclosure(s).

There is no additional fee due in conjunction with the response. In the event of any non-payment or improper payment of a required fee, the Commissioner is hereby authorized to charge or to credit Avaya Inc. Deposit Account No. 50-1602 as required to correct the error.

Respectfully submitted,



Joseph B. Ryan

Attorney for Applicant(s)

Reg. No. 37,922

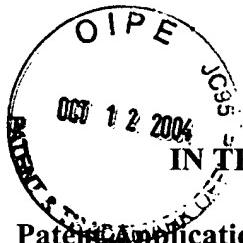
Ryan, Mason & Lewis, LLP

90 Forest Avenue

Locust Valley, NY 11560

(516) 759-7517

Date: October 7, 2004



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RESPONSE TO OFFICE ACTION

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

The following remarks are submitted in response to the non-final Office Action dated July 7, 2004 in the above-referenced application.

REMARKS

The present application was filed on January 13, 1999 with claims 1-16. New claim 17 was added in an Amendment filed by Applicant on July 25, 2002. Claims 2, 15 and 16 were canceled in an Amendment filed by Applicant on April 7, 2004. Claims 1, 3-14 and 17 remain pending in the application.

In the Office Action, the Examiner rejected each of claims 1, 9-14 and 17 under 35 U.S.C. §102(e) over U.S. Patent No. 6,501,755 (hereinafter "McAllister"), and allowed claims 3-8.

In this response, Applicant traverses the §102(e) rejection. Applicant respectfully requests reconsideration of the present application in view of the remarks below.